

1 THE HONORABLE JOHN C. COUGHENOUR
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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA, } No. CR20-129JCC
9 Plaintiff, }
10 v. } DEFENSE SENTENCING
11 MARGARET CHANNON, } MEMORANDUM
12 Defendant. }

13 **I. BACKGROUND**

14 The spring of 2020 cleaved open this nation's soul. Psyches already inundated
15 by conflicting isolation-induced desperation for human contact and fear of the lonely
16 death such contact could inflict, millions of people crested a breaking point when they
17 witnessed the brutality of George Floyd's murder. Millions watched a father and son
18 choke out his final words—begging for his life and calling for his mother, surrounded
19 by bystanders pleading for mercy—before falling silent beneath Derek Chauvin's cruel
20 knee. The nation watched, over and over, broadcast footage of yet another instance of a
21 police officer murdering a Black man as he pleaded for breath. It was too much.

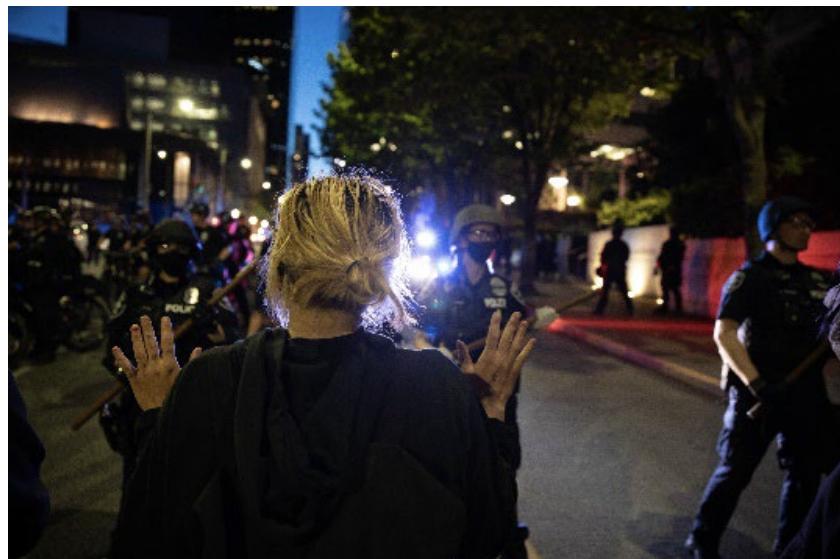
22 Anguish, rage, and determination animated protests that saw millions of
23 Americans pour into city streets across the nation calling for racial justice.¹ Margaret

24

25 ¹ See Buchanan, Larry, *et al.*, *Black Lives Matter May Be the Largest Movement in U.S.*
26 *History*; THE NEW YORK TIMES, July 3, 2020 (“Four recent polls...suggest that about 15 million
to 26 million people in the United States have participated in demonstrations over the death of
George Floyd and others in recent weeks.”) (available at:

1 Channon was among them. Moved to put her body on the line as part of a call for
2 justice and police accountability, Ms. Channon participated in protests on both May
3 29th and May 30th. Despite the Seattle Police Department's (SPD) brutal use of tear
4 gas, pepper spray, flash-bang grenades, "blast balls," and rubber bullets against
5 protestors,² Ms. Channon stayed downtown and returned the following day because she
6 felt so deeply about the need for justice and accountability.

7 Ms. Channon peacefully protested on May 29, 2020. Notably, a photo from the
8 government shows her engaged in a peaceful protest tactic commonly urged upon white
9 allies—standing or walking at the front of protest groups in situations where the police
10 are behaving aggressively. The tactic aims to reduce tension with the police and buffer
11 against police aggression aimed at protesters of color:



21 Dkt. 1, at 11; *see also* dkt. 35, at 2 (order denying government motion to revoke
22 appearance bond) (citing above photo).

23 <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>);
24 *see also* dkt. 35, at 2 (citing the same).

25 ² The Seattle Police Department's use of such weapons against peaceful protestors rose to such
26 an extreme level that the Honorable Richard A. Jones issued a temporary restraining order
against SPD enjoining it from deploying "chemical irritants or projectiles of any kind against
persons peacefully engaging in protests or demonstrations[] except in limited cases. *Black
Lives Matter Seattle-King County, et al. v. City of Seattle*; 2:20-cv-00887-RAJ, Dkt. 34, at 11.

1 The next day, however, as tensions rose, Ms. Channon made decisions she now
2 regrets and engaged in a “seriously misguided attempt to effect positive change[.]” Dkt.
3 35, at 8. She set fire to SPD vehicles—against the wishes of the movement she hoped to
4 support. Reflecting upon this, she writes: “I apologize for the damage I caused. Black
5 Lives Matter is an organization with leadership that does not condone illegal activity. I
6 apologize to the many workers and activists – who have given decades of their lives to
7 building a countermeasure to police violence – that did not want to see fire in June of
8 2020.” Exh. A (Ms. Channon’s letter to the Court). For that crime, she has pleaded
9 guilty to arson and asks this Court to impose a five-year prison sentence.

10 **II. UNITED STATES SENTENCING GUIDELINES**

11 The defense has no objection to the advisory guidelines calculations outlined in
12 the Presentence Report. In light of the applicable mandatory minimum sentence, the
13 advisory guideline range is 60-63 months’ imprisonment. PSR ¶63.

14 **III. RESTITUTION**

15 While the SPD has requested restitution, it has not provided the government with
16 any underlying documentation supporting the figure it requests. Counsel understands
17 that the government has specifically requested this information from SPD following
18 counsel’s request.³ See Dkt. 76, at 9. The defense does not agree to a specific restitution
19 figure absent the ability the review related documentation.

20 **IV. SENTENCING RECOMMENDATION & 18 U.S.C. § 3553(a) FACTORS**

21 The defense joins the government in recommending that the Court sentence Ms.
22 Channon to five years in prison. The defense recommends that the Court order Ms.
23 Channon to complete one year of supervised release after her prison sentence. In

24 ³ The SPD produced a spreadsheet to the government regarding its restitution request, which
25 the government provided to defense counsel on November 24, 2021. The same day, counsel
26 requested additional information and documentation regarding the restitution amounts listed in
SPD’s spreadsheet. Counsel understands that the government has followed up with SPD
multiple times, yet no underlying documentation has been provided to date.

1 making this recommendation, the defense notes that Ms. Channon has spent roughly 19
2 months on Pretrial Services supervision without re-offense. This sentence is sufficient
3 and a greater sentence is unnecessary to serve any sentencing purpose.

4 Ms. Channon's personal history around political activism is not new. She grew
5 up "in a family with a culture of service, social awareness, and a sense of obligation to
6 justice." Exh. 2 (letter from Elizabeth MacGahan). In speaking with Ms. Channon, it is
7 clear that the lessons she learned as a child animate the way she walks through the
8 world. She believes strongly in using her intelligence, skills, and privilege to help
9 others; and speaks with empathy and sincerity when describing the causes she has
10 worked to serve. Watching George Floyd's murder, she felt called to action. She is glad
11 that she again took to the streets to protest as part of a movement. She regrets, however,
12 having committed crimes that betrayed that movement's wishes. Exh. 1.

13 Ms. Channon knows that Black Lives Matter was not her cause to coopt. *Id.* She
14 cares deeply about social justice and is sincerely remorseful for having engaged in
15 arson contrary to Black Lives Matter's mission and directives. She takes full
16 responsibility for her actions, blames no one but herself, and is prepared to accept the
17 full brunt of the consequences of her decisions. Her sense of personal accountability is
18 exceptional in the degree to which she is unwilling to contribute further to her decisions
19 casting a cloud over the movement. Indicative of this, Ms. Channon chose to plead
20 guilty to arson rather than to the lesser offense of conspiracy when offered the option.
21 Despite meaning that she forfeit the ability to ask for a sentence less than five years,
22 Ms. Channon was adamant that she would not do anything to shift blame to others for
23 decisions that were hers alone. Understanding that she took destructive action when so
24 many people around her chose not to, she was not willing to claim that she acted in
25 agreement with others—even if it could mean a lesser sentence.

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1 The combination of Ms. Channon's exceptional internalization of accountability
2 for her actions and the roughly 19 months she has spent on Pretrial Services supervision
3 without re-offense support concluding that she does not present an ongoing danger to
4 the community and that lengthy supervision upon release is unnecessary. This is
5 particularly true given the historically unique circumstances under which Ms. Channon
6 committed her crime. As this Court observed:

7 However, to understand the precise danger Channon poses to the
8 community, one must consider both the nature of Channon's alleged
9 crime and the context in which it occurred. Channon is not charged with
10 attacking a police officer or with physically harming anyone. Instead,
11 Channon is charged with destroying property in what appears to have
been an act of political protest during perhaps the largest outcry over
police violence in history.

12 Dkt. 34, at 6 (internal citations omitted). Even if similar circumstances were to present
13 themselves, Ms. Channon is now chastened by understanding that her actions were at
14 odds with the movement she undertook them to support. Exh. 1.

15 Ms. Channon has taken responsibility for what this Court recognized is a serious
16 crime, irrespective of the circumstances under which it occurred. Dkt. 34, at 6. A five-
17 year sentence is sufficient to reflect the seriousness of her offense, promote respect for
18 the law, and serve any deterrent goal, particularly given that Ms. Channon has never
19 served a prison sentence. PSR ¶¶31-35. While the defense does not believe that Ms.
20 Channon is presently in need of specific deterrence, it understands that the Court also
21 considers the goal of general deterrence. Toward that end, Ms. Channon's sentence
22 publicly reflects that people who commit crimes during political protest will be held
23 accountable no matter how righteous the movement they endeavor to support.

24 This case represents an aberration during a time of historic societal upheaval. By
25 all accounts, Ms. Channon is a smart, thoughtful, caring person for whom this case was
26 an anomaly. Exh. 2. During her sentence, Ms. Channon hopes to gain skills that will

1 help her to contribute positively to society. Exh. 1. The record amply supports belief
2 that she will do just that when released.

DATED this 23rd day of February 2022.

Respectfully submitted,

s/ *Vanessa Pai-Thompson*
Assistant Federal Public Defender
Attorney for Margaret Channon